

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE NAJJAR EMPLOYMENT LAW GROUP,
P.C.,

Plaintiff,

v.

THE EMPLOYMENT LAW GROUP, P.C.

Defendant.

Case No. _____

COMPLAINT

Plaintiff, The Najjar Employment Law Group, P.C. (“NELGPC”), as and for its complaint against defendant, The Employment Law Group, P.C. states as follows:

THE PARTIES

1. NELGPC is a Massachusetts professional corporation with a principal place of business at 68 Main Street, Suite 5, Andover (Essex County), Massachusetts 01810.

2. Upon information and belief, defendant is a District of Columbia professional corporation with a principal place of business at 1850 M Street, N.W., Washington (Washington County), D.C.

JURISDICTION AND VENUE

3. This is an action for a declaratory judgment that NELGPC has not infringed any valid trademark owned by defendant, including registered trademarks nos. 3,436,135 and 3,428,807 (together “Trademarks”).

4. This action arises under the trademark laws of the United States, 15 U.S.C. §§ 1051 *et seq.*, and the declaratory judgment statute, 28 U.S.C. §§ 2201 *et seq.*, and is based

upon an immediate and actual justiciable controversy between the parties with respect to defendant's allegations that NELGPC has infringed one or more of the Trademarks.

5. This Court has exclusive jurisdiction pursuant to 28 U.S.C. §§ 1338(a), 2201 and 2202.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

ACTUAL CONTROVERSY WITHIN THIS COURT'S JURISDICTION

7. NELGPC is in the business of providing legal services in this judicial district and elsewhere.

8. In a letter from defendant's counsel to NELGPC dated May 24, 2011, counsel states that defendant operates in Massachusetts.

9. The letter from defendant's counsel to NELGPC dated May 24, 2011 states that defendant is the owner of trademark registration nos. 3,436,135 and 3,428,807, that NELGPC is using defendant's mark, and that NELGPC must cease all such use.

10. NELGPC denies that it is using any of defendant's Trademarks and denies that registration nos. 3,436,135 and 3,428,807 are valid.

11. As a result of defendant's allegations, NELGPC is apprehensive that defendant will file suit against NELGPC for alleged infringement of one or more of the Trademarks.

12. Accordingly, there is an immediate and actual justiciable controversy between the parties with respect to defendant's allegations that NELGPC has infringed one or more Trademarks.

COUNT I

(Trademark Registration No. 3,436,135)

13. NELGPC incorporates by reference paragraphs 1-12 above.
14. NELGPC has not infringed trademark registration no. 3,436,135.
15. Trademark registration no. 3,436,135 is not valid.
16. NELGPC is entitled to a declaration that it has not infringed trademark registration no. 3,436,135 and that said registration is invalid.

COUNT II

(Trademark Registration No. 3,428,807)

17. NELGPC incorporates by reference paragraphs 1-12 above.
18. NELGPC has not infringed trademark registration no. 3,428,807.
19. Trademark registration no. 3,428,807 is not valid.
20. NELGPC is entitled to a declaration that it has not infringed trademark registration no. 3,428,807 or any other of the Trademarks and that said registration is invalid.

CLAIMS FOR RELIEF

WHEREFORE, Najjar prays that this Court:

- A. Declare that NELGPC has not infringed any of the Trademarks;
- B. Declare that registration nos. 3,436,135 and 3,428,807 are invalid;
- C. Award NELGPC its fees and expenses incurred in this action, and
- D. Award NELGPC such other and further relief as the Court deems just and proper.

JURY DEMAND

THE PLAINTIFF HEREBY DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

THE NAJJAR EMPLOYMENT LAW GROUP,
P.C.,

By its attorneys,

/s/ Dean G. Bostock

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